

**From:** [Delgado, Eric](#)  
**To:** [Ford, Mark](#); [Spalding, Susan](#); [Taheri, Diane](#)  
**Cc:** [Flemming, Tongee](#); [Ragon, Derek](#); [Gray, David](#); [Carroll, Craig](#); [Smalley, Bryant](#); [Smith, Monica](#)  
**Subject:** RE: Proactive posting records for FOIA requests  
**Date:** Friday, September 15, 2017 9:48:00 AM

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Mark,

We have provided all ASPECT flight maps to the PIO for public distribution. Please coordinate with the PIO for additional requests.

Thanks

Eric Delgado  
Federal On Scene Coordinator  
USEPA Region 6  
214.437.9809  
[Delgado.Eric@epa.gov](mailto:Delgado.Eric@epa.gov)

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**From:** Ford, Mark  
**Sent:** Friday, September 15, 2017 9:01 AM  
**To:** Spalding, Susan <[Spalding.Susan@epa.gov](mailto:Spalding.Susan@epa.gov)>; Taheri, Diane <[Taheri.Diane@epa.gov](mailto:Taheri.Diane@epa.gov)>  
**Cc:** Flemming, Tongee <[flemming.tongee@epa.gov](mailto:flemming.tongee@epa.gov)>; Ragon, Derek <[Ragon.Derek@epa.gov](mailto:Ragon.Derek@epa.gov)>;  
Delgado, Eric <[Delgado.Eric@epa.gov](mailto:Delgado.Eric@epa.gov)>  
**Subject:** Re: Proactive posting records for FOIA requests

Susan,

Thank you for the reply and update. I am not aware as to what information David wants or if it is the same that Pam wants. I will reach out to David via email to make sure duplicative efforts are avoided.

Please let Eric know that I may need this and more information with a quick turnaround as Pam wants postings to our Public webpage to start Sept 21.

Thanks again,

Mark Ford  
Senior Attorney/ORC  
Superfund/FOIA

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**From:** Spalding, Susan  
**Sent:** Thursday, September 14, 2017 2:44:34 PM  
**To:** Ford, Mark; Taheri, Diane  
**Cc:** Flemming, Tongee; Ragon, Derek; Delgado, Eric  
**Subject:** RE: Proactive posting records for FOIA requests

I spoke with Eric and did receive your email, but it appears that there may be many requests for this

information. Eric is preparing ASPECT maps for several runs in the Houston area for David Gray. Is this the same information that Pam and Ben are requesting?

Susan Spalding, Associate Director  
Hazardous Waste Branch  
EPA Region 6  
(214) 665-8022

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**From:** Ford, Mark  
**Sent:** Thursday, September 14, 2017 2:35 PM  
**To:** Spalding, Susan <[Spalding.Susan@epa.gov](mailto:Spalding.Susan@epa.gov)>; Taheri, Diane <[Taheri.Diane@epa.gov](mailto:Taheri.Diane@epa.gov)>  
**Cc:** Flemming, Tongee <[flemming.tongee@epa.gov](mailto:flemming.tongee@epa.gov)>; Ragon, Derek <[Ragon.Derek@epa.gov](mailto:Ragon.Derek@epa.gov)>  
**Subject:** Fw: Proactive posting records for FOIA requests

Can someone follow-up with Eric Delgado to see if he received my morning email (see below) and if so, does he have the information I need? We need to be able to go live with the web page on Sept 21 with information posted to it in advance. It will take the Team at least 3 days to review.

If no one on this email is over Eric Delgado, would you please forward this email to the appropriate Supervisor?

Many thanks,

Mark Ford  
Senior Attorney/ORC  
Superfund/FOIA

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**From:** Ford, Mark  
**Sent:** Thursday, September 14, 2017 10:25 AM  
**To:** Delgado, Eric  
**Cc:** Ragon, Derek; Ortiz, Diana; Patrick, Dwayne  
**Subject:** FW: Proactive posting records for FOIA requests

Eric,

Derek indicated that you have ASPECT reports regarding the below. If you would take a minute and read the below email from Ben Harrison and see what reports/records, if any, you have and send them to Diana Ortiz so we can process and publish, I would greatly appreciate it.

**If you do not have the ASPECT reports/records, please reply to this email to that effect.**

No, this is NOT a FOIA. Rather, an initiative from Pam Philips and Ben Harrison to help educate the public regarding our activity pre/post storm.

Many thanks,

Mark Ford  
Senior Attorney/ORC  
Superfund/FOIA

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**From:** Harrison, Ben  
**Sent:** Thursday, September 14, 2017 8:28 AM  
**To:** Ford, Mark <[Ford.Mark@epa.gov](mailto:Ford.Mark@epa.gov)>  
**Cc:** Ragon, Derek <[Ragon.Derek@epa.gov](mailto:Ragon.Derek@epa.gov)>; Quinones, Edwin <[quinones.edwin@epa.gov](mailto:quinones.edwin@epa.gov)>; Peycke, Mark <[Peycke.Mark@epa.gov](mailto:Peycke.Mark@epa.gov)>; Patrick, Dwayne <[Patrick.Dwayne@epa.gov](mailto:Patrick.Dwayne@epa.gov)>; Ortiz, Diana <[Ortiz.Diana@epa.gov](mailto:Ortiz.Diana@epa.gov)>  
**Subject:** Re: Proactive posting records for FOIA requests

We have at least 2 FOIA requests regarding his facility. I don't know the volume of materials but shouldn't be significant other than data from ASPECT flyovers. I'm told there is no enforcement history. I don't know whether Water Quality has any records.

Sent from my iPhone

On Sep 12, 2017, at 10:57 AM, Ford, Mark <[Ford.Mark@epa.gov](mailto:Ford.Mark@epa.gov)> wrote:

Deliberative/Attorney Work product/Attorney/Client communication – FOIA Exemption  
5

Ben and Derek,

A few passing words here at HQ in the conference is:

1. What is our focus on records regarding the facility (name left out) that was burning?
2. What are we reviewing and processing to be posted on the web page?
3. What is the status of the web page set-up as of today?
4. Do we have an idea of the universe of records regarding the facility in question?

The concerns appear to be more on the above 4 items while processing/posting the other storm related information at the same time.

Mark Ford  
Senior Attorney/ORC  
Superfund/FOIA

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**From:** Harrison, Ben

**Sent:** Tuesday, September 12, 2017 9:39 AM

**To:** Ragon, Derek <[Ragon.Derek@epa.gov](mailto:Ragon.Derek@epa.gov)>; Ford, Mark <[Ford.Mark@epa.gov](mailto:Ford.Mark@epa.gov)>

**Cc:** Quinones, Edwin <[quinones.edwin@epa.gov](mailto:quinones.edwin@epa.gov)>; Peycke, Mark <[Peycke.Mark@epa.gov](mailto:Peycke.Mark@epa.gov)>; Patrick, Dwayne <[Patrick.Dwayne@epa.gov](mailto:Patrick.Dwayne@epa.gov)>; Ortiz, Diana <[Ortiz.Diana@epa.gov](mailto:Ortiz.Diana@epa.gov)>

**Subject:** RE: Proactive posting records for FOIA requests

Thanks Derek. I appreciate that this isn't our first rodeo and the experience we have in Region 6 has helped establish a process we know to work. But there are many in HQ (not to mention my boss) who have never been involved in a disaster and records management of the scope we expect here. Their involvement is dictated from the top so not sure there is much we can do other than find a way to cooperate without upsetting our established process.

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**From:** Ragon, Derek

**Sent:** Tuesday, September 12, 2017 9:24 AM

**To:** Ford, Mark <[Ford.Mark@epa.gov](mailto:Ford.Mark@epa.gov)>

**Cc:** Quinones, Edwin <[quinones.edwin@epa.gov](mailto:quinones.edwin@epa.gov)>; Harrison, Ben <[Harrison.Ben@epa.gov](mailto:Harrison.Ben@epa.gov)>; Peycke, Mark <[Peycke.Mark@epa.gov](mailto:Peycke.Mark@epa.gov)>; Patrick, Dwayne <[Patrick.Dwayne@epa.gov](mailto:Patrick.Dwayne@epa.gov)>; Ortiz, Diana <[Ortiz.Diana@epa.gov](mailto:Ortiz.Diana@epa.gov)>

**Subject:** Re: Proactive posting records for FOIA requests

Mark,

As you know, we have a very good process in place. The best thing you (R6 RC) can do to support is keep this "help" at bay.

We've done this seven other times since 2005. I think I've figured it out...

The biggest issue no one not intimately involved in field operations never seems to appreciate is that the majority of the information sought will be in contractor deliverables that will not be in our possession for about 6-8 weeks. There is no way to avoid that as such is their agreed upon contractual obligation.

Thanks,

Derek

Sent from my iPhone

On Sep 12, 2017, at 8:48 AM, Ford, Mark <[Ford.Mark@epa.gov](mailto:Ford.Mark@epa.gov)> wrote:

All,

Before we give FEAT access to our records:

We need to remember that the records sought are Region 6 records and MUST be already in SEMS with DOC IDs before release as well as approved for release by the Division Director prior to release.

We need to make sure that our Region 6 document management/integrity protocol is adhered to while at the same time, we need to be proactively reviewing and releasing.

Thoughts?

Mark Ford  
Senior Attorney/ORC  
Superfund/FOIA

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**From:** Bermes, Peter  
**Sent:** Monday, September 11, 2017 5:09 PM  
**To:** Quinones, Edwin <[quinones.edwin@epa.gov](mailto:quinones.edwin@epa.gov)>  
**Cc:** Ford, Mark <[Ford.Mark@epa.gov](mailto:Ford.Mark@epa.gov)>  
**Subject:** Proactive posting of Hurricane Harvey related records for FOIA requests

Hi Ed/Mark,

I'm not sure the extent to which the FEAT will be involved in responding to Hurricane Harvey related FOIA requests, but at this point OPA and others at headquarters have asked that we assist with getting some records posted to the response webpage proactively. The idea is we post records that will not only be useful to the public and provide transparency, but also records that are being sought or we anticipate will be sought by FOIA requesters so that we might refer requesters to the public site and close requests or provide documents in the interim as we work to respond completely. I've been told that Allison Nowatarski can help coordinate the upload of records to the site when appropriate.

You both are friendly faces key to the response effort, and I'm hoping you can help me get in touch with the right people to gather records that may be good candidates for proactive posting. After reviewing the requests we've received so far, any records that fit the categories below would be good candidates provided we can get them scrubbed of privilege concerns and brief the proper folks before posting.

1. Many requests are seeking records related to the Arkema facility. Some are seeking communications between EPA and Arkema.

Although we will have to do a more comprehensive search and likely involve e-discovery to fully respond to many of these requests, if there are key emails or other correspondence between EPA and third parties involved with the facility that we are aware of that could be posted proactively, it would be helpful to post them to the extent appropriate.

2. Similarly, many requests are seeking more traditional records about Arkema such as the Risk Management Plan or any substantive documents concerning the facility. If anything is easily collectable and producible, this is a good category of records for proactive posting.
3. Any other low hanging fruit types of records that would be easy to gather and helpful to the public that are not already being publicly posted elsewhere would be good to get uploaded. Monitoring data related to sites/facilities or records that reflect EPA's response work would help with existing requests.

Almost anything that we can post with minimal effort is helpful. I don't want to interfere with the response work that you and others are doing, but to the extent that there are "easy" records we can identify and upload, I'd like to help with that. I also don't want to duplicate effort that others in the Region may already be taking to respond to FOIA requests, so to the extent that I can be linked in with work that may already be taking place that we may be able to leverage, I'd certainly appreciate it.

Mark and I will be a bit out of pocket the next few days at a FOIA conference, but I will be checking my email when I can. Any help you can provide is appreciated, and if you think a brief phone call would be helpful, please let me know and I'll try to find a time that will work. Thank you,

Peter

**Peter Bermes**  
Attorney-Advisor, Office of General Counsel  
United States Environmental Protection Agency  
**NEW PHONE NUMBER: 312-886-6631** | Room R1325